

REMARKS

The present amendment is in response to the Office Action dated May 5, 2006 in which the Examiner has rejected claims 36-55. In response, Applicant amends the independent claims 36, 38 and 45 and some of the claims dependent thereupon. Allowance of the pending claims in view of the amendments and the following remarks are respectfully requested.

A. Rejection under 35 USC 102(e)

The Examiner rejects claims 36-49 and 53-55, which includes independent claims 36, 38 and 45 under 35 U.S.C. 102(e) as being anticipated by the Schlager Patent No. 6,198,390 (hereinafter the Schlager patent). Applicant respectfully traverses the Examiner's rejection.

To anticipate a claim under 35 U.S.C. sections 102(a), (b), or (e), the reference must teach every element of the claim. (See MPEP 2131.) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis added) (Verdegaa1 Bros. v. Union Oil Co. of California; see also MPEP 2131.) "The identical invention must be shown in as complete detail as is contained in the ... claim." (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); see also MPEP 2131).

Further any claim depending from base claims not anticipated or made obvious by the prior art also are not anticipated or made obvious by the prior art since the dependent claims comprise all of the elements of the base claims.

Applicant asserts that the independent claims 36, 38 and 45, before amendment, were not anticipated by the Schlager patent. However, Applicant has amended the claims to more precisely claim the embodiments of the invention as claimed in claims 36, 38 and 45. Applicant respectfully asserts that the Schlager patent does not teach each and every element of the independent claims as discussed below. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims.

a. Independent claim 36, and dependent claim 37

Independent claim 36 comprises the following elements, in addition to other elements, that are not taught by Schlager:

" the user storing a specific activity associated with the at least one target location", and

"outputting an indication of the specific activity associated with the at least one target location".

The Schlager patent must teach *each* of these elements to anticipate this claimed embodiment. Applicant asserts that Schlager does not teach either of these elements either expressly or inherently as required under a 35 USC 102(e) rejection.

In the Office Action in paragraph 2, page 2, the Examiner states that "the user storing an output response in the memory that corresponds to the at least one target location" can read on the limit value 124 in col. 9, lines 33-55 and col. 7, lines 34-60 of Schlager. Applicant respectfully disagrees that an "output response" corresponds to a "limit value" as disclosed by Schlager. However, to clarify the claimed invention, the claim is amended such that "a specific activity associated with the at least one target" is stored in memory. Subsequently, an indication of the specific activity is output to the user in Applicant's invention as claimed in claim 36.

A limit value - which is a separation distance between Schlager's device and a target - is not a specific activity associated with the target as claimed by Applicant. Also, Schlager outputs warnings such as alarms or electric shocks (see column 15, lines 1-16, also cited by the Examiner). Outputting an indication of the *specific activity* as claimed by Applicant is not equivalent to, or inherently the same as, the alarm or electric shock as taught by Schlager. That is, a warning as taught by Schlager does not prompt the user to perform a user-stored specific activity as claimed by Applicant. Therefore, Schlager clearly does not teach or suggest the claimed invention. As such, Applicant respectfully requests that the Examiner issue a notice of allowance for claims 36-37.

b. Independent claim 38, and dependent claims 39-44

Independent claim 38 comprises the following elements, in addition to others, that are not taught by Schlager either expressly or inherently:

a memory for storing "a specific task associated with each physical location of the plurality of physical locations" and

"at least one output interface for outputting an indication of the specific task"

As discussed above, Schlager does not teach the association of a *specific task* with each physical location, and storing the specific tasks within the device memory. Further, Schlager does not teach outputting an indication of the *specific task* to the user based upon a specific physical location. As such, Schlager does not anticipate the claimed invention, and Applicant respectfully requests that the Examiner issue a notice of allowance for claims 38-44.

c. Independent claim 45, and dependent claims 46-55

Independent claim 45 comprises the following elements, in addition to other elements, that are not taught by Schlager:

a memory for storing " the target message for the each target location comprising an activity associated with the each target location " and
a controller "for outputting the target message on the at least one output"

Similar to the above discussed claims, independent claim 45 comprises a memory for storing a target message comprising an activity associated with the target location which is not taught by Schlager either expressly or inherently. Further, Schlager does not output the target message to the user. A warning or a shock, or other general alarms as taught by Schlager are not equivalent to or inherently the same as an activity associated with a target as claimed by Applicant. Therefore, Schlager does not anticipate the claimed invention under 35 USC 102(e). Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for claims 45-55.

B. Rejection under 35 USC 103(a)

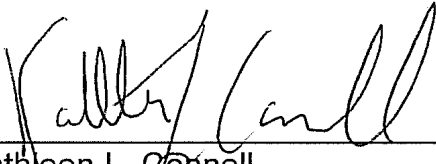
The Examiner rejects 50-52 under 35 USC 103(a) as unpatentable over Schlager. These claims are dependent upon a patentable base claims, and are therefore patentable as discussed above. Thus, Applicant respectfully asserts that the Examiner withdraw the rejections under 35 USC 103(a) and issue a notice of allowance for claims 50-52.

C. Conclusion

In view of the amendments made to the independent claims and the above remarks, Applicant respectfully requests that the Examiner issue a notice of allowance for the pending claims 36-55. The fees for a one (1) month extension of time is filed herewith by EFS. The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp. Should the Examiner require further information, the Examiner is invited to contact the Applicant's representative at the number listed below.

Respectfully Submitted,

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